

REMARKS

Claims 1-12 and 14-20 are pending in the application with claims 1, 7, 14, 19, and 20 being the independent claims. Applicant requests that claims 1, 5, 7, and 20 be amended. Claims 14 and 19 are allowed and claims 2, 10-12, and 16 stand objected to as containing allowable subject matter but depending from a rejected base claim.

Rejection under 35 U.S.C. § 112

The Office Action indicated that claims 5 and 6 are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Applicant has rewritten claim 5 in independent form to include the features of claim 1 as originally filed, and to include additional newly added features. For example, claim 5 is directed to an apparatus for imparting mechanical vibration on a down-hole drilling system including “a plurality of finned members . . . and a shaft coupled to the finned members and having a center of gravity offset from the axis of rotation, wherein finned members are axially spaced along at least a portion of the shaft.” None of the art applied in the present Office Action or the Office Action of July 6, 2005 discloses all the features of claim 5. Accordingly, Applicant respectfully requests that entry of this paper and allowance of claim 5.

Claim 6 depends from claim 5 and should be in a condition for allowance for at least the same reasons that claim 5 should be in condition for allowance.

Rejection under 35 U.S.C. § 102

The Office Action indicated that claims 1, 3, 4, 7-9, 15, 17, 18, and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,266,619 to Bodine (“the ’619 patent”). By this response, Applicant requests that claim 1 be amended to recite an apparatus for imparting mechanical vibration on a down-hole drilling system including, “an interior surface . . . [comprising] a first lobed geometry having a first number of lobes and . . . a second lobed geometry having a second number of lobes, the second number of lobes being different than the first number of lobes.” Independent claims 7 and 20 recite some similar features.

The ’619 patent does not disclose an apparatus as recited in any of claims 1, 7, and 20. The Office Action states that the ’619 patent discloses that an “interior surface of the body has a

lobed geometry having a number lobes that is equal to the number of lobes on the exterior of the vibrating member.” See Office Action, page 3. Claim 1 now recites that “the second number of lobes is different than the first number of lobes.” A claim reciting a “different” number of lobes cannot be anticipated by any disclosure showing only an “equal” number of lobes. Accordingly, proposed claims 1, 7, and 20 are not anticipated by the ’619 patent. Therefore, Applicant respectfully requests that the Examiner enter this paper and allow claims 1, 7, and 20.

Claims 3, 4, 7-9, 15, 17, and 18 depend from and add additional features to independent claims 1 and 7. Therefore, these claims should be allowable for at least the reasons that the independent claims are allowable. Accordingly, Applicant respectfully requests that the Examiner enter this paper, withdraw the rejection, and allow these claims.

Rejection Under 35 U.S.C. §103

The Office Action indicated that claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the ’619 patent. However, claim 18 depends from independent claim 7 and should be allowable for at least the same reasons that independent claim 7 should be allowable. Accordingly, Applicant respectfully requests that the Examiner enter this paper, withdraw the rejection, and allow this claim.

Conclusion

For at least the reasons set forth above, independent claims 1, 5, 7, and 20 should be in condition for allowance. Dependent claims 2-4, 6, 8-12, and 15-18 depend from and add additional features to the independent claims and, therefore, also should be in condition for allowance. Accordingly, Applicants respectfully request that the Examiner enter this paper, withdraw the outstanding rejections, and issue a formal notice of allowance.

Please grant any extension of time required to enter this response and charge any additional required fees to our Deposit Account No. 08-1394.

Respectfully submitted,



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